

Members

Sen. Patricia Miller, Chairperson
Sen. Brandt Hershman
Sen. John Waterman
Sen. Connie Sipes
Sen. Allie Craycraft
Sen. Larry Lutz
Rep. Timothy Neese, Vice-Chairperson
Rep. Andrew Thomas
Rep. Ralph Ayres
Rep. Trent Van Haften
Rep. Vern Tincher
Rep. David Crooks



INTERIM STUDY COMMITTEE ON CRIMINAL JUSTICE MATTERS

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MEETING MINUTES¹

Meeting Date: August 30, 2006
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Patricia Miller, Chairperson; Sen. Connie Sipes; Sen. Allie Craycraft; Sen. Larry Lutz; Rep. Timothy Neese, Vice-Chairperson; Rep. Andrew Thomas; Rep. Ralph Ayres; Rep. Vern Tincher; Rep. David Crooks.

Members Absent: Sen. Brandt Hershman; Sen. John Waterman; Rep. Trent Van Haften.

Call to Order

Senator Patricia Miller, Chairperson, called the second meeting of the Interim Study Committee on Criminal Justice Matters to order at 10:05 A.M.

Next of Kin Issues

Linda Young

Ms. Linda Young described to the Committee her experience with Indiana's next of kin requirements when a person has died and funeral decisions have to be made

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

regarding the deceased body. In 2005, Ms. Young's grandson and pregnant daughter were murdered by the daughter's husband, who confessed to the murders soon after the bodies were discovered. Ms. Young was prohibited from making her daughter's funeral arrangements because Indiana law requires a spouse to make the decisions regarding the funeral. The husband then refused to permit Ms. Young to make any funeral decisions until a family member met with the husband to hear the details of the murder. Ms. Young asked the Committee to amend Indiana's law regarding next of kin to prevent other families from having to experience what she had to in order to make funeral arrangements for her daughter.

Dr. Richard Dowden, Indiana State Coroners Training Board

Dr. Richard Dowden, the Boone County Coroner and a member of the Indiana State Coroners Training Board, spoke in favor of PD 3102 (Exhibit 1) and suggested that IC 25-15-9-8 be amended to change the order of priority of the individuals who are authorized to determine the final disposition of a deceased body if a spouse is a suspect in a homicide.

Dr. Dowden also stated that autopsy reports only go to the next of kin and cannot be given to a parent or an adult child. Dr. Dowden suggested that this issue should also be addressed in PD 3102.

Larry Landis, Public Defender Council

Mr. Larry Landis stated that PD 3102 is broadly written and there could be problems if a spouse cannot make decisions regarding a deceased body if the spouse is only charged, and not convicted of, murder or voluntary manslaughter. Mr. Landis also suggested that the order of who makes funeral decisions needs to be very clear in statute.

In response to a question from Representative Crooks, Mr. Landis explained that a spouse could be a suspect in a murder of the other spouse, and the spouse may not yet be arrested or charged with murder at the time funeral decisions have to be made.

Curtis Rostad, Indiana Funeral Director's Association

Mr. Curtis Rostad stated he is in favor of PD 3102 but noted the following concerns:

(1) It can take several days or months before a person is charged with a crime. Decisions regarding a funeral need to be made within three to four days after the death.

(2) Going to court to determine who the next of kin is to make funeral decisions may take too much time. The statute should be clear as to who is ineligible to make decisions regarding a funeral.

(3) Several statutes should be amended to clarify funeral decisions if a spouse is the suspect in a murder. These statutes include: (1) IC 25-15-9-18, which is the funeral practices act; (2) IC 23-14-31-26, regarding decision making for cremations; and (3) IC 30-2-13-9, regarding pre-need funeral contracts.

Steve Johnson, Indiana Prosecuting Attorney's Council

Mr. Steve Johnson stated that PD 3102 is currently limited to murder and voluntary manslaughter, and it should be expanded to other crimes including homicide, battery on a child, neglect of a dependent, and other types of homicide.

Mr. Johnson also stated that Colorado has a statute ("Exhibit 2") similar to PD 3102 that includes a good method for determining next of kin. The Colorado statute states "next of kin" does not include a person charged with or convicted of specified crimes involving the

death of the deceased person.

Coroner Issues

Senator Miller explained that there currently are three proposed drafts to amend the Indiana Constitution regarding coroners. They include:

- (1) allowing the General Assembly to specifically prescribe qualifications for coroners (Exhibit 3);
- (2) allowing the General Assembly to specifically prescribe qualifications for all county constitutional offices (Exhibit 4); and
- (3) removing references to coroners from the constitution, thereby allowing the General Assembly to prescribe qualification for coroners (Exhibit 5).

Senator Miller also stated that interest has been expressed to her for Indiana to have a medical examiner based coroner system utilizing regional medical examiners.

Senator Sipes expressed her concern about prescribing duties for all constitutional offices because those offices have not been studied.

Representative Ayres stated that if there is an amendment to the constitution, it would not be in effect until 2011 and the coroner qualification issue should be addressed before that date.

Dr. Richard Dowden, Indiana State Coroners Training Board

Dr. Dowden also answered questions from Senator Miller regarding the procedures a coroner follows if a deceased body is a John or Jane Doe. Dr. Dowden explained that a coroner will contact media, publish photos of the body, and submit fingerprints to the state police, sheriff's departments and even the FBI. If those measures fail, coroners will try to use dental records to identify the deceased body.

Dr. Dowden also suggested that bill drafts be extended to include qualifications of deputy coroners as well as coroners.

The Committee also discussed Exhibit 6, a preliminary bill draft amending several statutes regarding coroners. Senator Craycraft remarked that he preferred the idea of a county withholding a coroner's paycheck if the coroner does not fulfill training requirements rather than having the coroner removed from office. Senator Sipes also suggested that language be included to waive coroner training requirements in extraordinary circumstances. Representative Thomas suggested that coroners could meet some training requirements online.

Dr. Dowden also distributed notes regarding how coroners offices are statutorily set up in other states (Exhibit 7).

Other Business

Senator Miller reminded the committee that the next meeting of the committee is scheduled for September 20, 2006, at 10:00 A.M.

Senator Miller adjourned the committee at 11:15 A.M.